

Więcej niż sąsiedztwo More than Neighbours

Warsaw, September 2008

analiza
Fundacji Batorego

policy brief
Batory Foundation

Five theses on European Neighbourhood Policy

Grzegorz Gromadzki

The four years existence of the European Neighbourhood Policy (ENP), although not excessively long, gives grounds to make an appraisal. The European Union Neighbourhood Policy embraces 15 countries¹ as well as the Palestinian Autonomy which does not have the status of a country. They are situated in two regions: Eastern Europe and the Southern coast of the Mediterranean. Representatives of the European Union Commission have on numerous occasions underlined the positive significance of the ENP in strengthening relations with European Union (EU) neighbours, bearing in mind the signing of Action Plans and other documents with specific countries. However EU policy has met with both fierce criticism in certain neighbouring countries and doubts in at least several member states. The events in Georgia, which is embraced by the ENP, in an even harsher manner than to date compel to freshly reflect on how much the EU can positively influence its neighbours, and to what extent it is helpless as to the actions of others, in this instance Russia.

Discussions among experts regarding EU activities towards its neighbours are becoming more and more enlivened. Recently several analyses have been carried out concerning the ENP, the French initiative – Union for the Mediterranean as well as the Polish-Swedish Eastern Partnership proposal². While attempting to evaluate

¹ In alphabetical order they are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Syria, Tunisia and Ukraine.

² See Barbara Lippert, European Neighbourhood Policy: Many reservations – some progress – uncertain prospects, Fredrich Ebert Stiftung, June 2008, <http://library.fes.de/pdf-files/id/ipa/05426.pdf>; Kerry Longhurst, Injecting More Differentiation in European Neighbourhood Policy: What Consequences for Ukraine?, Russie.Nei.Visions no. 32, IFRI, July 2008, http://www.ifri.org/files/Russie/ifri_longhorst_ENP_ENG_june2008.pdf; Roberto Aliboni et al., Union for the Mediterranean. Building on the Barcelona acquis, ISS Report no. 1, 13 May 2008, http://www.iss.europa.eu/uploads/media/ISS_Report01.pdf; Michael Emerson, Making sense of Sarkozy's Union for the Mediterranean, CEPS Policy brief, No. 155, March 2008, http://shop.ceps.eu/BookDetail.php?item_id=1624; Kai-Olaf Lang, Eine Partnerschaft für den Osten. Der polnisch-schwedische Vorschlag zur Vertiefung der Kooperation mit den östlichen Nachbarn der EU, SWP-Aktuell 66, July 2008, http://www.swp-berlin.org/common/get_document.php?asset_id=5163



FUNDACJA
BATOREGO

IM. STEFANA

the ENP it is possible to analyze in detail the content and execution of the aforementioned Action Plans and agreements signed by the EU with particular neighbours and reflect on the effectiveness of EU aid for these countries. It may well be that the putting forward of several, sometimes controversial, theses will be just as fruitful and help to better understand the basis of the problems and challenges facing the EU in its relations with countries encompassed by the ENP.

Firstly – the ENP is not the only EU policy towards its neighbours. The EU has at least four policies for its direct neighbours:

- concerning European Free Trade Association (EFTA)/European Economic Area (EEA)
- its enlargement policy as regards the Western Balkans and Turkey
- policy towards Russia
- and finally in relation to the ENP

In order to properly understand the ENP a wider perspective is required where the EU's relations with other neighbours have their proper place.

Secondly – from the very beginning of the existence of the ENP the problem of its cohesion has been clearly evident. On many occasions the reason behind the existence of one policy for regions so very different such as the Southern Mediterranean and Eastern Europe has been strongly criticized. The French proposal of the Union for the Mediterranean announced in 2007 as well as the Polish-Swedish Eastern Partnership initiative presented in May 2008 are both expressions of the ever more noticeable need to distinguish the two components of the ENP – Southern and Eastern.

Thirdly – the EU has in the last four years presented Eastern European countries – particularly Ukraine and Moldova – with a proposition that the Southern countries did not receive. Included among these propositions is the pledge to introduce in a longer perspective visa free travel included in visa facilitation agreements as well as the proposal that both countries should join the Energy Community created especially for Western Balkan countries. It is almost impossible to imagine that the Southern countries would receive similar

proposals regarding visa free travel. It is also very improbable that the South will be included in the EU gas and electricity market which is actually the aim of the Energy Community in the case of Western Balkan countries. It can therefore be stated that an unnamed package for Ukraine and Moldova has been created, favouring them among the countries within the ENP, which no one officially mentions, and perhaps are not even aware of its existence.

Fourthly – within the ENP there are actually three policies. The partition does not end with differentiation between the South and East. In the framework of the second region a clearly defined partition can be seen with Ukraine and Moldova on the one hand and countries of the Southern Caucasus on the other. It can therefore be stated that we are dealing with three policies: as regards Mediterranean countries, concerning Ukraine, Moldova (and eventually Belarus if democracy becomes a fact in that country) and towards the Southern Caucasus.

Fifthly – many things indicate that in the future we will witness further separation of the South and East. The future of the Southern Caucasus is unclear and it will either have a minor role in EU neighbourhood activity or to a lesser or greater degree join Ukraine and Moldova. The logic behind EU activity suggests that another proposal will be offered to Ukraine and Moldova if commitments are fulfilled on the current offer. This can naturally lead to the question of their EU membership. In the instance of the South there is a real threat of 'Russification' of relations with the EU, in other words the creation of new political initiatives and institutions – as occurred as regards relations between the EU-Russia, which will exist only on paper and be seen as an indication of the deepening of relations between the EU and North Africa and the Middle East.

The opinion can be hazarded that the fulfilling of the EU proposals by Eastern European countries, which the EU has only offered to countries of that region will be the beginning of the end of the ENP in its current concept as a common policy for countries of Eastern Europe and the Southern Mediterranean.

The first thesis

While examining the ENP it is important to underline that this is not the only EU policy as regards its immediate neighbours. The EU actually has various approaches to different neighbours. Four specific policies stand out as regards its immediate surroundings. It would seem that their basic determinant is the possibility of future membership of the EU or the lack of such. The first policy is the policy as regards the EFTA countries (Iceland, Liechtenstein, Norway and Switzerland)/EEA (Iceland, Liechtenstein, Norway). They are based on far going integration without actual membership which the member countries of EFTA/EEA do not desire. It is worth noting that the EFTA/EEA countries could become EU members almost overnight as they are better prepared to be part of the EU than some of the current member countries.

The second is the enlargement policy which above all concerns the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Montenegro, Macedonia and Serbia). This also includes Turkey. But in the case of Turkey as opposed to the Western Balkans, political decision in a number of member states is still lacking as regards the future accession of Turkey to the EU.

The third is aimed at Russia. It differs from the policies above in that there is no mention of eventual membership. This point of view is shared by both the EU and Russia, which wants to be treated as an equal partner with the EU, and not as a country attempting to integrate with the EU. This is also the reason behind the lack of interest by Russia in accepting EU standards.

And finally there is the ENP, which encompasses all the neighbouring countries which do not fall into any of the previous categories. The ENP includes countries which have not received the perspective of becoming EU members (originally Russia was also to be part of the ENP but refused as it did not want to be treated by the EU on an equal footing with Tunisia or Moldova). Representatives of EU institutions as well as politicians from numerous

member states emphasize that the ENP is not a policy leading to EU membership, although in the instances of European countries which are part of the ENP, accession to the EU is not excluded in the unspecified future. Such statements express the 'enlargement fatigue' clearly visible currently in the EU and at the same time a clear lack by the EU to take a univocal stance as regards the eventual membership of the EU by Eastern European countries. In this context the understandable impatience of politicians, above all from the Ukraine towards the ENP, which in their view is an obstacle on the road to membership, is comprehensible. In reality the ENP, using partially solutions accepted from the policy regarding enlargement as a basis, can be of assistance to neighbouring countries in their preparation to join the EU.

The second thesis

One of the fundamental problems of the ENP from its outset is the cohesion of the group of countries it encompasses. The differences between Eastern European and Southern Mediterranean coastal countries are obvious. Discontent with the union of East and South is visible above all else in the Eastern countries within the ENP, particularly in Ukraine and Moldova. Politicians of these countries constantly emphasize that they are a part of Europe in contrast to North Africa and the Middle East. But discontent of the wide geographical range of the ENP is also noticeable in South Mediterranean countries. Numerous politicians from these countries prefer relations with an EU that is limited to their own region, rather than belong to the amorphous ENP. This in no way indicates idealization by them of the Barcelona Process, which is often met with criticism, but they understand that there is a framework for discussion with the EU from within it regarding issues which are important for their region, without the rather exotic, from their point of view, presence of representatives from Armenia or Moldova. It seems that representatives of European institutions and member countries are aware of the fundamental shortcomings of the ENP. This is why a strong emphasis has been placed on

individual relations with particular countries. It can be frankly stated that, the EU within the framework of the ENP prefers bilateral relations with specific countries rather than multi-lateral activities. Countries that cooperate well with the EU can receive more than countries which cooperate at a lower or worse level. Accordingly this can lead to significant differences in the level of relations between the EU and certain countries within the ENP. It must be emphasized that, according to officially announced postulations, EU proposals available within the framework of the ENP must be the same for all its participants, irrelevant of their geographical location.

In spite of efforts by the EU a rift between the South and East is becoming ever greater. More and more advocates are becoming convinced of the need for a revitalization of relations with the neighbours from the South. To a certain extent an answer to this postulate is the idea of president Sarkozy to form a Union for the Mediterranean. The new proposal is certainly linked to the lack of progress in the Barcelona Process, and is also a direct and clear criticism of the ENP. Whereas the Polish-Swedish proposal of an Eastern Partnership is aimed at deepening relations with Eastern European countries which are part of the ENP. This is in part a return to the concept of the New Neighbourhood Policy from March 2002, which was the beginning of a discussion which ended with the formation of the ENP. The New Neighbourhood Policy, which Sweden was one of the countries behind this concept, was to be applicable to only new, European EU neighbours in the East – Ukraine, Moldova and Belarus. In this concept there was no mention of African or Asian countries in the Mediterranean region. The Polish diplomatic corps when putting forward the concept of the Eastern Partnership referred to the German proposal of several years ago of European Neighbours, i.e. Eastern European countries and Neighbours of Europe which include the Mediterranean countries which are part of the ENP.

The political decisions which were made in Copenhagen during the EU summit in December 2002 regarding the joining of the East and South in the framework of one pol-

icy, which directly led to the creation of the ENP, was an attempt to reach a compromise internally within the EU, as regards the commitment of the EU to its Southern and Eastern neighbours. The EU policy came about above all else due to the apprehension of southern EU member countries, that after enlargement in 2004 the Eastern neighbours will become more important than the Southern. Today this mode of thinking seems to be disappearing into the past. A full circle has been made from the Barcelona Process and the New Neighbourhood Policy – two separate concepts for the South and East, via the ENP common to both regions to the Union for the Mediterranean and the Eastern Partnership. But bureaucratic inertia and unwillingness to officially say farewell to the ENP in its current form makes the introduction and carrying out of radical reforms difficult.

The third thesis

The different treatment of the East and South by the EU was a fact even before the appearance of the Union for the Mediterranean and the Eastern Partnership proposals. It can even be said that a special packet was prepared for the Ukraine and Moldova (and eventually Belarus if democracy becomes a fact in that country). Obviously it was never given an official name nor officially announced. It consists of at least two proposals, which the Southern countries belonging to the ENP did not receive. The first concerns visa policy. Ukraine and Moldova have signed Visa Facilitation Agreements with the EU, including a note allowing for visa free movement as a long term aim. Apart from Ukraine and Moldova, similar agreements with similar notes have only been made by the EU with Russia and the Western Balkans. Southern ENP countries do not have such prospects. The second proposal from the EU for Ukraine and Moldova is admittance of these countries to the Energy Community, which the EU called into being in October 2005 in order to integrate the Western Balkan countries with the common electricity and gas markets which the EU forms. Besides from Ukraine and Moldova only Norway and Turkey

have been proposed full membership of the Energy Community.

Both issues – energy and freedom of movement – are of fundamental importance in EU relations with the outside world. The EU proposals lead not only to the strengthening of cooperation but also directly to the gradual integration of Ukraine and Moldova with the EU. Particularly in the case of the Energy Community, where we are dealing with integration rather than closer cooperation. These proposals go beyond the ENP because, as has been stated above, they have not been offered to all countries which fall within this policy. At the same time they are a contradiction of the basic foundations of the ENP, which are based on the existence of equal opportunities for all countries which participate in this policy.

It is worth noting that, Ukraine and Moldova have received the same propositions as countries which are prospective candidates for membership – Western Balkans (Turkey) or the EFTA member – Norway. It can be concluded that the unnamed package places Ukraine and Moldova ‘between’ the remaining ENP countries and the Western Balkans and the EFTA countries.

Additionally the matter of free trade zones is worthy of mention here. Although both Eastern and Southern European countries have received promises of receiving such zones, it is much more likely in the instance of the first countries, an example of which is the opening of negotiations with Ukraine.

The appearance of a special proposal/package for Ukraine and Moldova is the result of two matters: democratic changes which have occurred in these countries in recent years, the symbol of which is the Orange Revolution in Ukraine, as well as the role these countries, and Ukraine in particular, play in the EU internal policies such as energy. The existence of the unnamed package is proof of the separation from official policy and actual activity conducted by the EU.

The fourth thesis

The problem the ENP is faced with is not just a matter of lack of cohesion between the South

and East. There is also the issue of the Southern Caucasus countries (Armenia, Azerbaijan and Georgia), which do not fit into any of the two groups mentioned previously. Initially their participation in the ENP was not taken into consideration, evidence of which is the Commission Communication on Wider Europe from March 2003, where there is no mention of these countries. They only became part of the ENP mainly due to changes in Georgia as a result of the Rose Revolution, which occurred in November 2003. Theoretically they should be closer to Ukraine and Moldova. They are also countries which emerged from the collapse of the Soviet Union. They are members of the Council of Europe. But it is characteristic that they did not receive the same proposal as Ukraine and Moldova in the so called ‘unnamed packet’. However it should be noted that Georgia received the status of observer in the Energy Community in December 2007, which in the future can lead to it becoming a member of this institution, as well vague proposals on visa facilitations measures and full and comprehensive free trade area, resulting from the EU emergency summit held on 1 September 2008³.

For obvious reasons, mainly geographically, they are not regarded as Northern African or Middle Eastern countries encompassed by the ENP. The EU still has no clear vision as to whether they should be treated on an equal footing with Ukraine and Moldova or be just left as a specific ‘subgroup’ in the East.

It can therefore be said that, de facto we have three policies within the ENP. One as regards the Mediterranean countries, a second concerning Ukraine and Moldova (and eventually Belarus if democracy becomes a fact in that country) and a third for the Southern Caucasus countries.

The fifth thesis

A very probable scenario is further differentiation in future EU policies as regards the South and East (with an unknown in the instance of

³ See summit conclusions: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/102545.pdf

the Southern Caucasus). Such development of events will be a result of the proposals currently on the table for Ukraine and Moldova, which upon their implementation, will mean that the relations of these two countries with the EU will be on an entirely different level than the countries from the South. Additionally the dissimilarity of the challenge standing before the EU in the case of Eastern Europe on one hand and the Southern Mediterranean on the other will lead to further differentiation in EU activities in these regions.

As regards the South there is a real threat that EU relations with this region will more and more come to resemble the negative side of relations that the EU has with Russia, based on raising new political initiatives which rather than leading to better cooperation will exist only on paper, which in effect is a symbol of crisis in the mutual relations. The raising of new political initiatives, the signing of consecutive documents and successive meetings, often at a high level, which supersede the implementation of new solutions such as, by way of example, free trade zones which in reality strengthen cooperation. Currently there is an enlivened discussion as to what will be the added value of the Union for the Mediterranean in relation to the Barcelona Process and proposals rising from the ENP. The opinion is often repeated, that it will just be an altered form containing the same old substance. A large amount of pragmatism will be needed by the EU in its relations with the South. Real concessions will have to be made by the EU towards the Southern countries regarding trade matters, especially concerning access to the EU agricultural products market. It is a paradox that this would require a change of stance – more flexibility, especially on the part of the southern EU member countries, which on the one hand are most interested in dialogue with the North African and Middle Eastern countries, but on the other hand are wary of competition from the south in agriculture and farming. Deepening of economic cooperation could in part improve political relations with the Southern countries, but radical breakthroughs are unlikely in the next decade.

In the case of Eastern Europe the eventual fulfilment of the current package by Ukraine and Moldova will naturally lead to further proposals from the EU, such as the European Economic Area Plus proposed in the Elmar Brok report, whose coming into being would merge Ukraine and Moldova into the common market⁴. Such activities by the EU will in a natural fashion lead to deeper integration of those countries with the EU. Sooner or later the question of membership of Ukraine and Moldova in the EU will be raised. Such a scenario will only be possible if enormous commitments are made by both countries in carrying out internal reforms. The EU must be prepared for just such development of events. More openness by the EU is required regarding the inclusion of Eastern neighbours in EU policy as well as at least partly using models of cooperation with the EFTA countries. Reforms of the EU will most certainly be needed, new forms of EU institutions, as further enlargement to the East will not mean the existence of EU-27+ but EU-35 or even EU-40, as at least some of the Western Balkans and EFTA countries will most definitely join the EU earlier. Obviously another scenario is also possible – the Eastern European countries will not take the EU up on their proposal and leave the road they are building to democracy. Such a development of events would certainly not be beneficial for the EU.

Among the Eastern European countries Belarus is a special case. At present it does not take advantage of the possibilities the ENP represents. It has not received any of the proposals that the EU has proposed to Ukraine and Moldova. The reason is the Alyaksandr Lukashenka authoritarian regime, with which the EU keeps very limited relations. It is impossible to foresee if the situation in Belarus will remain as it is currently in the near future or if democracy will come about there. The EU should be prepared for both scenarios.

⁴ European Parliament, Report on the Commission's 2007 enlargement strategy paper (2007/2271 (INI)), Committee on Foreign Affairs, Rapporteur: Elmar Brok, 26.06.2008, <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2008-0266&language=EN&mode=XML>

The example of Belarus with which the EU has frozen political relations shows that the EU cannot limit its activities only to governing bodies. EU policies must also be directed at societies. This principle should be obligatory not just for 'troublesome' neighbouring countries such as Belarus, but also with neighbouring countries which cooperate well with the EU. It is necessary to go outside and beyond traditional diplomacy. Contact with the societies of neighbouring countries cannot just be an addition to 'serious' policies but must become one of the fundamental elements of EU activity as regards its neighbours.

It would seem that the problem of placement as regards the Southern Caucasus countries will remain. In the instance of these countries the question will still be if in the near future they will continue to remain in an undefined situation such as they are in today, where they are not part of Eastern European countries which are closer to the EU (Ukraine, Moldova) as well as neighbouring countries in the Mediterranean. The EU must make more decisions regarding the future of the Southern Caucasus countries. In the context of the Russian military actions in Georgia, aimed at politically subordinating

this country, this decision should be made in as short a time as possible, as the situation in the Caucasus region is dynamic and can lead to a settlement, which will be extremely difficult to change. A natural solution would be to join them to Ukraine and Moldova, which have already received the 'unnamed package'. EU summit decision to propose to Georgia visa facilitation measures and full and comprehensive free trade area, is a first signal that the EU may in the future treat Georgia like Ukraine and Moldova. The issue of the future of the Southern Caucasus countries is part of the debate regarding the final boundaries of the EU, which is certain to go on for the next decade.

Summing up we can say that fulfilling the EU propositions by Eastern European countries, which the EU has proposed (and will probably continue to do so in the future) exclusively to countries in this region, will be the end of the current concept of the ENP as a common policy for Eastern and Southern neighbours. In the long term perspective the proposal of President Sarkozy concerning the Union for the Mediterranean and the Polish-Swedish Eastern Partnership will also act against the ENP in its current form.